

stitution as he understood it, would never have claimed the same privilege for the Secretary of the Treasury or the Chief of any other Bureau of the Government. It has been my rule to pay warrants regularly drawn under authority of an act of the General Assembly, not stopping to enquire whether the act was or was not authorized by the Constitution. That is a judicial question, which I have left to the courts. Whenever enjoined by order of any court from performing any act required of me, I have regarded myself as a mere stakeholder ready to submit to whatever decision the courts might make. This was my course in regard to issuing the \$2,000,000 bonds authorized for the Chatham Railroad, the \$300,000 authorized for the University Railroad and the \$500,000 first mortgage bonds of the Wilmington, Charlotte & Rutherford Railroad Company, &c. Whenever able legal counsel were employed on both sides of the question I have not deemed it necessary to employ additional counsel at the expense of the State, preferring to retain a position of impartiality.

In the matter of militia expenses I yielded a ready obedience to the mandate of the court as soon as I was notified of the same.

The present condition of the Treasury is not satisfactory. Owing to extraordinary expenditures for the Penitentiary, for the Militia, for the General Assembly, for the Asylums, &c., the fund for general purposes is exhausted. After replacing the special tax money borrowed under an act ratified 12th day of March, 1870, entitled "An act in relation to the special tax money now in the Treasury," and a second act ratified the 28th day of March, 1870, entitled "An act to amend an act in relation to the special tax money now in the Treasury," there will be no funds for paying general expenses.

In this extremity I recommend to the General Assembly to borrow temporarily the moneys raised by special tax for railroad and other purposes for the necessary expenses of the State. Assuming that it would be unconstitutional to appropriate absolutely these amounts, certainly the Assembly has power to